



**MINUTES OF THE CITY COUNCIL MEETING OF  
THE CITY OF HAYWARD  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, May 18, 2010, 7:00 p.m.**

---

**MEETING**

The Meeting of the City Council was called to order by Mayor Sweeney at 7:00 p.m., followed by the Pledge of Allegiance led by Council Member Zermeño.

**ROLL CALL**

Present: COUNCIL MEMBERS Zermeño, Quirk, Halliday, May, Dowling, Henson  
MAYOR Sweeney  
Absent: COUNCIL MEMBER May

Council Member May entered the Council Chambers at 7:04 p.m.

**CLOSED SESSION ANNOUNCEMENT**

Mayor Sweeney reported that Council met with Real Property Negotiators pursuant to Government Code 54956.8 regarding 24874 Mission Blvd - APN 445-0150-052-01, with Labor Negotiators pursuant to Government Code 54957.6, and with Legal Counsel pursuant to Government Code 54956.9 regarding Simpson v McNack, et al. There was no reportable action on items discussed.

**PRESENTATION**

**Annual Recycling Poster and Essay Contest**

Mayor Sweeney welcomed the winners of the City of Hayward's Recycling Poster and Essay Contest Awards and acknowledged the teachers' support. Mayor Sweeney noted this year marks the 27th Annual Hayward Clean-up Days Campaign and thanked the efforts of the Keep Hayward Clean and Green Task Force. He mentioned that there were 778 entries from 27 Hayward schools. Council Member Henson congratulated all the participants and acknowledged the various businesses for providing generous contributions. Council Member Henson announced that winners of the Recycling Poster and Essay Contest would receive a gift certificate that can be used at variety of stores in Hayward. Third place winners received a \$100 gift certificate, second place winners received a \$150 gift certificate, and first place winners received a \$200 gift certificate. He acknowledged the teachers of contest winners who received a \$100 gift certificate for first place, a \$75 gift card for second place, and a \$50 gift certificate for third place. He then asked Mayor Sweeney to draw names of students for this year's two bonus prizes of \$200 each. Regina Lin was the essay winner and Siosifa Faanunu was the poster winner. Mr. Henson congratulated all and asked that they continue with their recycling efforts and invited all to light refreshments in Room 2A.

## **PUBLIC COMMENTS**

Mr. Charlie Cameron, Hayward resident, brought to Council's attention the AMC Alameda County Transit Summit meeting on May 21, 2010, to discuss the sustainability of bus transit. Mr. Cameron also noted a AC Transit public hearing on May 26, 2010 in Oakland, where future cuts will be addressed. He noted that the service cuts are not favorable for daily users such as himself. Mayor Sweeney asked Mr. Cameron to talk to Council Members Dowling or Halliday about the routes that are important to him.

Mr. Jim Drake, Franklin Avenue resident, expressed concern about vacant lots along Mission Boulevard with dry weeds. Mayor Sweeney asked City Manager David to look into the concern.

Ms. Linda Bennett, Hayward resident, expressed concern about schools and urged Council to fully fund the Library so students can attend afterschool programs.

Mr. Doug Ligibel, Grand Terrace resident, spoke about past youth violence in Hayward. Mr. Ligibel noted that adolescents are typically influenced by peer pressure and he was concerned about recent homicides. He expressed his desire to have the Curfew Ordinance for Minors revised and proposed changing the curfew on school nights from 10 to 9pm and during non-school days from midnight to 10pm. Mayor Sweeney asked staff to look into the proposal and report to Council.

Mr. Frank Goulart, with business address on Main Street, announced a Black and White Bash fundraiser for the Treeview Swim Club on Saturday, May 22, 2010 from 6 to 9pm, with music provided by Fab Fever, at 301 Grissel Street across from the Fairway Park Shopping Center.

City Clerk Lens invited the community to attend a Volunteer Open House on Monday, May 24, from 6-9 pm at City Hall.

## **CONSENT CALENDAR**

1. Approval of Minutes of the Hayward City Council Meeting on April 20, 2010

It was moved by Council Member Dowling, seconded by Council Member Henson, and carried unanimously, to approve the minutes of the Hayward City Council Meeting of April 20, 2010.

2. Approval of Minutes of the Hayward City Council/Redevelopment Agency Special Joint Meeting on April 27, 2010

It was moved by Council/RA Member Dowling, seconded by Council/RA Member Henson, and carried unanimously, to approve the minutes of the Hayward City Council/Redevelopment Agency Special Joint Meeting of April 27, 2010.

3. Approval of Minutes of the Hayward City Council/Redevelopment Agency Special Joint Meeting on May 4, 2010

It was moved by Council/RA Member Dowling, seconded by Council/RA Member Henson, and carried unanimously, to approve the minutes of the Hayward City Council/Redevelopment Agency Special Joint Meeting of May 4, 2010.



**MINUTES OF THE CITY COUNCIL MEETING OF  
THE CITY OF HAYWARD  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, May 18, 2010, 7:00 p.m.**

- 
4. Sidewalk Rehabilitation and Wheelchair Ramps FY10 – Districts 1 and 8: Approval of Plans and Specifications and Call for Bids

Staff report submitted by Deputy Director of Public Works Fakhrai, dated May 18, 2010, was filed.

It was moved by Council Member Dowling, seconded by Council Member Henson, and carried unanimously, to adopt the following:

Resolution 10-064, “Resolution Approving Plans and Specifications for the Sidewalk Rehabilitation and Wheelchair Ramps FY10 Project, Project Nos. 5103 and 5113, and Call for Bids”

5. New Sidewalk – D Street, Cypress Avenue, Western Boulevard and Huntwood Avenue: Approval of Plans and Specifications and Call for Bids

Staff report submitted by Deputy Director of Public Works Fakhrai, dated May 18, 2010, was filed.

It was moved by Council Member Dowling, seconded by Council Member Henson, and carried unanimously, to adopt the following:

Resolution 10-065, “Resolution Approving Plans and Specifications for the New Sidewalk – D Street, Cypress Avenue, Western Boulevard and Huntwood Avenue Project, Project No. 5109, and Call for Bids”

6. Measure B Pavement Rehabilitation FY11 – Avondale Lane, Bahama Avenue, Capitola Court, Kelly Street, Klamath Court, Orchard Avenue, Silva Avenue, Skokie Lane, Stonewall Avenue, and Thelma Street: Approval of Plans and Specifications and Call for Bids

Staff report submitted by Deputy Director of Public Works Fakhrai, dated May 18, 2010, was filed.

It was moved by Council Member Dowling, seconded by Council Member Henson, and carried unanimously, to adopt the following:

Resolution 10-066, “Resolution Approving Plans and Specifications for the Measure B Pavement Rehabilitation FY11 Project, Project No. 5112, and Call for Bids”

7. Pavement Reconstruction FY11 – Bahama Avenue: Approval of Plans and Specifications and Call for Bids

Staff report submitted by Deputy Director of Public Works Fakhrai, dated May 18, 2010, was filed.

It was moved by Council Member Dowling, seconded by Council Member Henson, and carried unanimously, to adopt the following:

Resolution 10-067, "Resolution Approving Plans and Specifications for the Pavement Reconstruction FY11 – Bahama Avenue Project, Project No. 5147, and Call for Bids"

8. Authorization for the City Manager to Execute an Application for a Used Oil Recycling Grant to the Department of Resources Recycling and Recovery

Staff report submitted by Deputy Director of Public Works Ameri, dated May 18, 2010, was filed.

It was moved by Council Member Dowling, seconded by Council Member Henson, and carried unanimously, to adopt the following:

Resolution 10-068, "Resolution Authorizing the Application for Grant Funds from the Used Oil Recycling Fund Under the California Oil Recycling Enhancement Act and Participation in a Cooperative Project"

9. Resignation of Natalie A. Forrest from the Library Commission

Staff report submitted by City Clerk Lens, dated May 18, 2010, was filed.

It was moved by Council Member Dowling, seconded by Council Member Henson, and carried unanimously, to adopt the following:

Resolution 10-069, "Resolution Accepting the Written Resignation of Natalie A. Forrest from the Library Commission"

10. City's Boards, Commissions, Committees and Keep Hayward Clean and Green Task Force Recruitment, Interviews and Appointments

Staff report submitted by City Clerk Lens and City Attorney Lawson, dated May 18, 2010, was filed.

It was moved by Council Member Dowling, seconded by Council Member Henson, and carried unanimously, to adopt the following:

Resolution 10-070, "Resolution Establishing Schedules for Recruitment, Interviews and Appointments for the City's Boards, Commissions, Committees and The Keep Hayward Clean and Green



**MINUTES OF THE CITY COUNCIL MEETING OF  
THE CITY OF HAYWARD  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, May 18, 2010, 7:00 p.m.**

---

Task Force and Modifying the Expiration Day for the Term of Office  
for Certain City Appointed Officials”

**PUBLIC HEARING**

11. Historic Preservation Program including Repealing and Replacing Article 11 of Chapter 10 of the Municipal Code Historic Preservation Ordinance; and approving a Historical Resources Survey and Inventory; a Historic Context Statement, Goals and Objectives for Historic Preservation, Incentive Programs

Staff report submitted by Planning Manager Patenaude, dated May 18, 2010, was filed.

Development Services Director Rizk commended Planning Manager Patenaude for his efforts on the Historic Preservation Program and acknowledged Mr. Patenaude’s expertise.

Planning Manager Patenaude noted he was in receipt of an email from a resident who, after viewing the Planning Commission public hearing, is encouraged to care for her home as a piece of Hayward’s history. Planning Manager Patenaude acknowledged the presence of the representatives from Circa: Historic Property Development (Circa) and recognized the contributions and efforts of the Hayward Area Historical Society, Mr. Frank Goulart and Mr. Andy Wilson. Mr. Patenaude gave a synopsis of the report.

Council Member Henson commended Planning Manager Patenaude and staff on a job well done. In response to Mr. Henson’s inquiry regarding the effectiveness of the Mills Act in other communities, Mr. Patenaude noted that cities determine a criteria for participation and that tax savings are intended to offset the cost of restoring and preserving historic buildings.

In response to Mr. Henson’s inquiry regarding incentives in place for resistant owners who have properties of historical value, Mr. Patenaude stated that the proposed Ordinance has provisions and addresses demolition by neglect and a requirement for permits for any alteration, relocation or demolition. He noted these permits will ensure that any proposed change to the property would preserve the historic character. Mr. Patenaude suggested holding informational fairs to provide education and sustainability options for these historic buildings. Director of Development Services Rizk explained that one sustainability option for these historic structures is the use of insulation which improves energy efficiency. Mr. Rizk noted that having demolition as a discretionary permit through the Ordinance will allow CEQA to be a part of the process.

In response to Council Member Dowling’s inquiry about the use of the term “Streetcar District,” Planning Manager Patenaude explained this was the title used in the Zoning Ordinance for the overlay district for lower B Street.

**DRAFT**

Council Member Halliday acknowledged Planning Manager Patenaude's valuable expertise. Ms. Halliday said the focus area of the citywide survey was the greater downtown area, which had the largest concentration of homes 50 years in age and subject to review. She asked staff to explain the steps now required to build an addition to a house in the Southgate area. Mr. Patenaude explained that the survey ended with houses built in 1946 and that houses outside the focus area that were built after 1946 are not subject to review. Ms. Halliday mentioned two properties outside of the focus area that deserve attention: the Mohr-Fry House, which the family has indicated they are interested in preserving as a historical resource; and the McConaughy House, which shows what farm life was like. Mr. Patenaude noted that Circa, on a special request, performed an evaluation of the building at the Saltworks which has retained a lot of its integrity and is fairly stable. Mr. Patenaude confirmed that a demolition permit would trigger a determination of a building's importance to the community as a historical resource. Mr. Patenaude confirmed that the first 12 properties on the list will be under the protection of the Ordinance. In response to Ms. Halliday's question regarding participation in the Mills Act Program and the criteria for a property to qualify, Mr. Patenaude noted that improvements to a property contributing to housing affordability, and providing employment to low-income person, are two examples of the three out of five criteria that property owners would need to meet.

Mayor Sweeney asked that the years for the buildings be clarified for the Ordinance.

In response to Council Member Zermefio's inquiry about what is necessary to restore the Saltwork building, Planning Manager Patenaude stated an architect experienced in historic resources would have to be brought in and noted that would be part of any proposed project for that site and would need to be discussed with the owner. Mr. Patenaude confirmed for Mr. Zermefio that the Ordinance establishes penalties for owners who willingly destroy their property and that the Ordinance can include historic resources other than buildings, noting for example, that the Water Tower is on the list. Mr. Zermefio agreed with the recommendation and was appreciative of the work done by Mr. Patenaude.

Council Member May asked how long it takes for the 30-60% reduction in property tax to take effect once a property owner decides to include their home on the historic registry. Planning Manager Patenaude responded that there will be a deadline at the end of the year to submit the finished contract to the County Assessor, and the reduction will take effect the following tax year. In response to Ms. May's inquiry regarding newly improved or purchased older properties, Mr. Patenaude explained the difference between the Mills Act contract and Proposition 13 in relation to property tax savings and noted that it is not an automatic benefit for all property owners. Ms. May noted that her home was built in 1926 and is shown on the list as having high level of integrity and said she was excited about the program.

Planning Manager Patenaude confirmed for Council Member Quirk that the Saltworks building is held in a trust that benefits the Historical Society, and explained that staff would need to evaluate any development proposal for that site. Mr. Quirk noted that the property is too close to the shoreline and should not be developed. Mr. Quirk mentioned the Old City Hall, which the City does not have the funds to restore, could not be torn down under the proposed Ordinance. Mr. Patenaude said that this would then become a California Environmental Quality Act issue. In response to Mr. Quirk's inquiry about a historic building that is need of extensive repairs, Mr. Patenaude explained that there is an appeals process in place for owners who are not happy with



**MINUTES OF THE CITY COUNCIL MEETING OF  
THE CITY OF HAYWARD  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, May 18, 2010, 7:00 p.m.**

staff's determination and noted there are cost effective ways to repair the buildings without having to tear them down.

Council Member Zermefio mentioned that in the future he foresees it costing millions of dollars to refurbish the 1931 City Hall.

Mayor Sweeney opened the public hearing at 8:42 p.m.

Mr. Frank Goulart, with business address on Main Street, thanked Council Member Dowling who assisted him in saving the old City Hall. Mr. Goulart said that there should not be a cap on the Mills Act as that would prevent helping significant properties. Mr. Goulart noted that for every dollar of tax monies the City gives up, the property owner receives four dollars to spend on historic preservation. Mr. Goulart said that having the historic inventory list will be a benefit when working with developers.

Mr. Jim Drake, Franklin Street resident, recalled a past situation when Council granted a resident permission to remain in her house and not be displaced. Mr. Drake questioned if her house was on the historic list.

Ms. Linda Bennett, Hayward resident, spoke about the hard work of many people to save the old City Hall and expressed support for the proposed Historical Preservation Ordinance. She remembered the research done by a city employee on the Oliver Saltworks building and noted that more than 20 years ago there was an attempted to make it a working historic building for school children.

Ms. Sharon Wragg, San Jose resident and prospective homeowner on C Street, asked about the process of submitting a preliminary plan as a prospective buyer. Planning Manager Patenaude stated that he would be happy to provide advice.

Mayor Sweeney closed the public hearing at 8:50 p.m.

Council Member Quirk asked that the list of historical homes be distributed to Council and others who are interested. Mr. Quirk encouraged Ms. Wragg to continue pursuing the historical house on C Street and confirmed that staff would be able to assist. He noted there could be a problem by setting the \$1.5 million limit on the valuation of properties that are 1946 and older. Mr. Quirk expressed concern for 1946 and older houses and the number of surveyed homes in that cost range. Planning Manager Patenaude said that the limit can be placed at any level and can be adjusted annually and noted there is an exception to the valuation limit. Mr. Quirk said he preferred not to have a limit especially on houses built in 1946 and before. Mr. Quirk was in agreement with Mayor Sweeney regarding the need for clarification in the language of the Ordinance and asked the Council if the item should be continued for a week and brought it back with the necessary changes. Mr. Quirk made a motion to continue the item with the purpose of looking at the valuation limit as well as the difference between properties that are pre 1946 and those that are 50 years old.

Council Member Zermefio seconded the motion.

Discussion ensued between Council Member Henson and Council Member Quirk regarding the valuation limits and clarification of the language.

Mayor Sweeney noted that if the amendments were too extensive, then the item would need to be brought back to Council.

City Attorney Lawson stated that to ensure that the changes are internally consistent within the document and to address Council's concerns, he recommended that the item be continued. City Manager David stated that staff would be able to bring the item back in one to three weeks.

Council Member Halliday mentioned that she would not support the motion and referenced page nine of the Ordinance, "Section 10-11.050" as where the change needed to occur.

City Manager David stated that even though the changes were minimal, it was the staff's desire to make sure the language was correct and asked for time to allow staff to make the corrections.

Planning Manager Patenaude confirmed for Council Member Dowling that staff would need to incorporate two sets of dated in the ordinance: 1946 for most of the city and 1959 for the focus survey area.

It was moved by Council Member Quirk, seconded by Council Member Zermefio, and carried unanimously, to continue the item to allow for changes to the language of the Ordinance.

## **COUNCIL REPORTS**

There were none.

## **ADJOURNMENT**

Mayor Sweeney adjourned the meeting at 9:03 p.m.

## **APPROVED:**

---

Michael Sweeney, Mayor, City of Hayward

## **ATTEST:**

---

Miriam Lens, City Clerk, City of Hayward